

JUROR



H A N D B O O K

City of Phoenix Municipal Court
300 West Washington Street
Phoenix, AZ 85003-2103
Telephone: (602) 261-8177

Hours of Operation:
7:30 a.m. to 5:00 p.m.
Monday through Friday


City of Phoenix
Juror Information Recording
(602) 534-9931



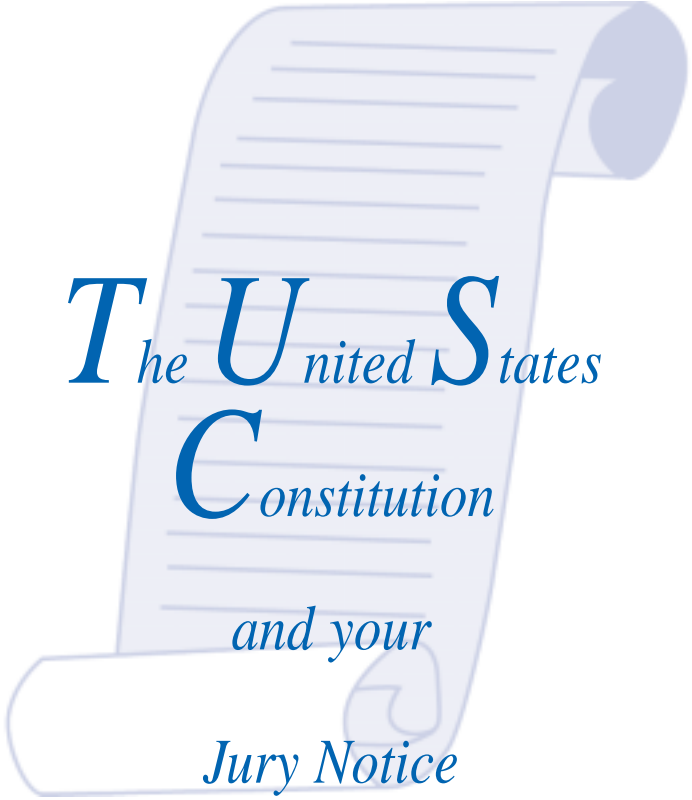
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*What gives you the
right to judge someone?*



*The United States
Constitution
and your
Jury Notice*

give you the right.





WELCOME NEW JURORS

You have been summoned for jury service. As a juror, you serve as an officer of the court, along with the judges and lawyers. Your services as a juror are as important as those of the judge. It is your duty to do this honestly and conscientiously.

Sometimes, a juror is summoned to court and not sent to a courtroom, or a juror is sent to a courtroom and not selected to serve on a jury. A scheduled trial is often resolved at the last minute. The Municipal Court staff cannot always predict the number of jurors needed to accommodate trial activity on any given day.

If you are not selected to serve, you still provide a valuable service. Your presence may cause a case to be resolved. By appearing, you enable the Court to offer a jury trial to both parties.

This handbook will help you understand how the jury system operates in the Phoenix Municipal Court and it answers many of our frequently asked questions. This information is provided to help explain your role in our criminal justice system.

Once you are inside of a courtroom the judge will instruct you on the law applicable to each case. The information in this handbook does not take the place of such instructions.

We hope that your service as a City of Phoenix trial juror will be interesting, informative and rewarding.




B. Robert Dorfman, Chief Presiding Judge
Phoenix Municipal Court



FREQUENTLY ASKED QUESTIONS

- Q. How long will I be here?
- A. If you are not selected today to serve on a jury, in most cases, you will be excused by the jury office by the end of today. If you are selected, you will serve for the duration of that trial. The average jury trial runs one to three days.
- Q. I brought a book today to read. May I bring it to the courtroom?
- A. Yes. Do not leave your belongings in the jury assembly room. With the exception of large items which may be left with the Jury Coordinator, take everything with you to the courtroom. A bailiff will give you further instructions when you get to the courtroom.
- Q. How often can I be summoned for jury duty?
- A. If you are not selected to serve on a jury panel, you will not be called again for at least eighteen months. If you are selected on a jury, you do not have to serve again for two years. If you should receive a summons within that time, you may request to be excused.
- Q. Is my employer required to pay me for jury duty?
- A. No. There is no legal requirement that employers must pay you while you are on jury service. Ask your employer what the company policy says, companies differ. Some employers ask you to supply proof that you were at Court on jury service. The original copy of your "Biographical Information" form, when signed by the Court, will be your verification.
- Q. Can I be fired for reporting for jury service?
- A. No. Firing you for fulfilling your civic duty as a





juror is a violation of ARS 21-236 which says, in part, "No employer may dismiss or in any way penalize any employee because he serves as a juror..."

Q. How much does the Court pay for jury duty?

A. Jurors receive mileage for each day of service. (Mileage will be reimbursed at the prevailing rate as mandated by the State of Arizona. Please check with the Jury Coordinator for the current rate.) If you are not selected for service, you will only be reimbursed for mileage from the center of your home zip code. If selected on the first day, you will receive \$12.00 per day plus the daily mileage rate allowed by law. The Jury Coordinator will provide jurors with a free bus pass if requested. Parking is provided free of charge for jurors.

Q. Does the court provide child care?

A. No.

Q. How can I find out about Phoenix Transit bus schedules and routes.

A. Current information is available for you in the Jury Assembly Room or by calling 602-253-5000.

Q. I am 70 years old. At what age am I exempt from jury duty?

A. There is no exemption based on age provided for in Arizona law.

Q. What do I do if I need a special accommodation?

A. Requests for reasonable accommodations for persons with disabilities must be made to the Court by parties at least three (3) days in advance of a scheduled court proceeding. If you did not notify the court in advance, please do so immediately and we will make every attempt to make reasonable accommodations to satisfy your needs.



Types of State Courts In Arizona

If a violation is not specifically defined by the U.S. Constitution or granted to the federal court system by Laws of Congress, it will be heard in a state court.



The Arizona State Court System is organized as follows:

1. Courts of limited and special jurisdiction:
 - A. Justice of the Peace Courts have jurisdiction over:
 - (1) Misdemeanor offenses;
 - (2) Preliminary hearings on felony offenses;
 - (3) Civil suits involving amounts less than \$5,000;
 - (4) Small claims cases involving less than \$1,500;
 - (5) Orders of Protection/Injunctions Against Harassment.
 - B. Municipal Courts have jurisdiction over:
 - (1) Misdemeanors;
 - (2) Violations of city ordinances;
 - (3) Traffic offenses;
 - (4) Petty offenses; and
 - (5) Orders of Protection/Injunctions Against Harassment.
2. The Arizona Superior Court:

These are courts of general jurisdiction. They are authorized by law to consider all civil and criminal disputes.
3. Courts of Appellate Jurisdiction:
 - A. The Arizona Supreme Court; and
 - B. The Arizona Court of Appeals.

These courts hear appeals for review of decisions made in a trial court.





The City of Phoenix Municipal Court has jurisdiction over criminal misdemeanor and traffic offenses occurring within the Phoenix City limits. The trials you may be selected to serve on are criminal misdemeanors, such as allegations of:

- ◆ Driving while under the influence of alcohol and/or drugs (DUI);
- ◆ Theft, shoplifting;
- ◆ Prostitution and indecent exposure;
- ◆ Leaving the scene of an accident.



Current Address and Name Information


We must have current address information in order to mail your juror payment to you. If your summons was mailed to an incorrect address, you have moved, or you have changed your name, you must complete a change of address/name form.

You are not eligible to serve on a Phoenix Municipal Court jury if you do not live within the geographical boundaries of the City of Phoenix. If you are not a resident of the City of Phoenix, notify the Jury Center Coordinator immediately.



Biographical Information

At check-in you will be asked to complete a short biographical information form. This form serves several purposes. The form is used by the attorneys during jury selection. This form is also used in verification of payment for those jurors who serve.



The Bailiff may also ask you to provide a telephone number. This number will be used only by the Court to contact you regarding scheduling changes during the trial or to determine the reason for your absence if you are not present at the stated time. This information will not be released to anyone else.



Employer Verification

Many employers require proof that you were summoned to serve as a juror. At check-in you will complete a biographical data form. This form includes a section for employer verification. The original of this form will be provided to you to keep or give to your employer.



Juror Badges


At check-in you will be provided with a juror badge. We ask that you wear this badge at all times until your duty has ended, even while at lunch in the downtown area. This badge identifies you as a juror to other people in the Court, and should prevent them from discussing, in your presence, any facts about cases presently on the Municipal Court calendar. Remember, jurors must be impartial



Parking

Jury parking is free of charge to City of Phoenix Jurors and is located directly south of the Court building in the parking garage at 305 West Washington Street. There are a total of three entrances to this garage: two on 4th Avenue, between Washington and Jefferson Streets and one on Jefferson Street, between 4th and 3rd Avenues.

The ticket you receive upon entering the parking



garage must be presented to the Jury Coordinator for validation. In order to receive free parking, you will need to give the validated ticket to the parking attendant on the way out of the parking garage. If you return for jury service on subsequent days, follow this same procedure for parking.

The Jury Coordinator cannot validate parking for any other parking garage or lot.

PLEASE LOCK YOUR VEHICLE. You may wish to place any valuable items in the trunk or out of view. The City of Phoenix is not liable for damages to or loss of any vehicle or its contents that may occur while in the parking garage.

The Jury Coordinator will provide you with a free bus pass if requested. We encourage that you take the bus to our facility. Bus route and schedule information is available by calling 602-253-5000. Phoenix Transit Bus schedules are available in the Jury Assembly Center.



Juror Payment:

Mileage: Every juror will receive a mileage reimbursement. The rate is set by law. Mileage payment is based on the number of miles from the center of the zip code in which you reside to the Phoenix Municipal Court building.

If you wish to claim greater mileage, you must advise the Office of the Jury Commissioner at Maricopa County Superior Court. Their telephone number is 602-506-JURY (602-506-5879 and stay on the line for an operator). The Maricopa County Jury Commissioner handles all juror payments.

Jury Fee: If you are selected to serve as a trial juror, you will be paid a jury fee in addition to your mileage. This amount is also set by law and is currently \$12 per day. If you are required to return on additional days of trial, you will receive payment of a jury fee and mileage for those days also.



Qualification of Jurors

The names of jurors summoned to Phoenix Municipal Court are selected at random from Motor Vehicle Division and Voter Registration records. A summons and questionnaire are mailed to each person selected from these records, by the Maricopa County Jury Commission. When the questionnaires are returned, the Jury Commissioner staff reviews them to establish the eligibility of prospective jurors.

The Jury Commissioner of Maricopa County Superior Court provides jurors for the Superior Court, the Justice Courts, and several Municipal Courts, including Phoenix Municipal Court. You must be a resident of the City of Phoenix to serve as a juror in Phoenix Municipal Court.




Selection of Jurors

When you report to the Jury Assembly Center, your attendance is confirmed by the Jury Coordinator or another staff member. All potential jurors are placed on one of a number of jury panel lists. When a courtroom needs a jury panel, one of these groups is sent. From this group the actual trial jurors will be selected. The trial jury is normally comprised of six members with one or more alternates. Those not selected for the trial jury return to the Jury Assembly Center to be placed on another panel.



Term of Service

Phoenix Municipal Court operates on a One Trial/One Day jury system. If selected to serve, most of the trials last from one to three days. Prospective jurors selected to serve on a jury are



required to serve for the duration of that trial only. When the trial is finished, so is the juror's jury service. Unless the Jury Coordinator or judge tells you otherwise, those not selected as trial jurors are dismissed at the end of the day and have completed their term of service.



Conduct in Court

When your name is called as a member of a jury panel, you will be escorted to the courtroom by the bailiff.

Do not take large items with you to the courtroom. Leave these items with the Jury Coordinator. Smaller items, or any items of value should be taken with you to the courtroom and placed under your chair. Do not take food or drink into the courtroom. Please turn off all pagers or cellular phones.

Do not enter the courtroom until instructed to do so. Court may be conducting a preliminary proceeding about the trial to which you are assigned.


Once inside the courtroom, follow the instructions given there. Unless specifically told otherwise, return to the Jury Assembly Center if not selected to serve on the trial jury.

If you have an emergency while serving as a juror, notify the judge. If you need to contact your family or employer, the bailiff will assist you.



Questioning of Jurors (Voir Dire)

When called into the courtroom by the bailiff, remain seated on the benches in the back until your name is called to sit in the jury box, or until the judge excuses you. You will be asked to swear or affirm to truthfully answer all questions



about your qualifications to serve as a juror. This may take place while sitting in the back of the courtroom or while seated in the jury box.

Once sworn, the judge will ask general questions about your qualifications to serve as a trial juror. Pay close attention to these questions even if you are not seated in the jury box. When the judge finishes questioning you, the lawyers may ask you questions. This process is called “voir dire” examination. Voir Dire is a French term which means “to speak the truth.”

Some questions may seem very personal. It is not intended that any question embarrass you. Lawyers have a duty to their clients to assist them in jury selection.

There are many reasons why you may not be considered as a fair and impartial juror in a case. You might be closely related to one of the parties in the case, have a business relationship with one of the lawyers, or have some personal knowledge of the case or a personal experience similar to the facts of the case.

If you think you should be disqualified for any reason, (even if not brought out by questions directly asked) immediately raise your hand. When called on by the judge, tell the judge and the lawyers about it. If you are excused by the judge you will be instructed to return to the Jury Center where you may be sent to another courtroom for jury selection in another trial.

In every case each side has a certain number of “peremptory challenges.” Lawyers may use all, part, or none of their peremptory challenges to remove jurors without any cause being stated. If you are excused it is not a reflection on you in any way. It simply means that in the case before the Court it is proper to excuse you.



When the voir dire examination concludes, and the required number of jurors are seated, the jurors are sworn to try the case.



Important Things to Remember During the Trial:
Always be on time. If delay is unavoidable, please call the court at 602-261-8177. You could be cited for contempt of court if you needlessly delay the Court proceedings.

Be attentive and listen. If you cannot hear some of the testimony, raise your hand and inform the judge.

Note taking. You will be provided with a notepad and pencil to use in taking notes. You may use these notes during jury deliberation.

Questions by jurors. If you have a question for any witness, write the question on a full sheet of notepad paper, fold it in half and place it in the file pocket at the end of the jury box. The judge will review your question and determine if it is legally permissible. If so, the judge will direct the question(s) to the witness.

Do not talk to anyone about the case including another juror unless the judge has instructed you to begin deliberations. If someone tries to talk to you about the case on which you are serving, do the following: a) tell the person it is improper for a juror to discuss the case or receive information except in the courtroom; b) refuse to listen; c) report the incident to the judge, bailiff, or Jury Coordinator at once.



Integrity of Jurors

Jurors must conduct themselves so no one questions their integrity. Jurors should be aware of their conduct and avoid arousing anyone's



distrust. Avoid all familiarity with anyone interested in a decision of the jury.

Do not form hasty opinions or draw conclusions until you hear all evidence and arguments, and have received the final instructions from the judge. Do not form or express any opinion of the case until you go to the jury deliberation room. There you have the opportunity to impartially discuss the evidence with your fellow jurors.

Jurors must base their verdicts solely upon the facts and the judge's instructions on the law. The verdict must not be based upon your notion of what the law is or ought to be.

If you have any questions regarding juror conduct or the trial, consult the judge. The judge is always in charge during the course of the trial.




Main Steps of a Jury Trial

1. Selection of a Jury.
 - A. Voir Dire (questioning of the prospective jurors.)
 - B. Challenges
 1. Cause (excused by the judge)
 2. Peremptory (excused by the attorneys.)
 - C. Selection of trial jurors.
 - D. Oath administered to trial jurors.
2. Judge's preliminary instruction to the trial jurors.
3. Opening statements by counsel.

An opening statement outlines what the lawyer thinks the evidence will be, and is offered to help jurors understand and follow the evidence during the trial.

 - A. The lawyer for the State makes an opening statement. These lawyers are from the City Prosecutor's Office.
 - B. The defendant's lawyer may make an opening statement at this time or at the close of the State's evidence.

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4. Evidence is presented.
 - A. The state offers evidence to prove its case.
 - B. The defendant may offer evidence to disprove the state's case and establish the defendant's case.
 - C. The state may then offer evidence to rebut any new material presented by the defendant.

Evidence usually takes one of two forms:

- A. Testimony of witnesses.

Before testifying, each witness is sworn to tell the truth. Lawyers ask questions on direct examination and cross-examination of each witness. The judge may also ask questions. The jury may submit questions for the witness, by writing them down and putting them in the file pocket provided on the jury box. The judge will review the question(s) and determine if it can legally be asked.

- B. Exhibits (physical evidence, e.g., photographs, reports).


Sometimes lawyers for one side object to a question asked or an exhibit offered by the other side. Lawyers may object to introduction of any evidence they believe is improper.

At times the judge will hear arguments on these objections away from the jury. If the judge thinks the evidence objected to is not proper, he/she will "sustain" the objection and not allow the evidence. If the judge thinks the evidence is proper he/she will "overrule" the objection and allow the evidence to be presented. The matter is a legal question which the judge alone must decide.

Objections by the lawyers, or the judge's ruling, should not cause the jury to favor one side or the other.

5. Closing arguments by counsel.

After all evidence has been presented, the lawyers are allowed to make their final arguments to the jury. In the final argument, the lawyer for each party discusses the facts as they relate to the law to be applied by the



jury. The lawyer presents the reasons and arguments favoring his/her position. These arguments give the jury an opportunity to better understand the case and help them arrive at a fair verdict. The state is entitled to rebut the defendant's closing argument. What the lawyers say in their closing argument is not evidence.

6. Judge's instructions on the law.

The judge will instruct the jury on the law of the case prior to the jury deliberation. You will be given copies or a recording to use in your deliberations.

7. A bailiff will escort the jury panel from the courtroom to the jury deliberation room.




Jury Deliberation and Conduct in the Jury Deliberation Room

When the jury goes to deliberate, you will select a foreperson. It is the foreperson's duty to: a) act as a Chairperson; b) ensure that the jury's deliberations are conducted in an orderly fashion; c) ensure that all issues are fully and fairly discussed; d) assist the jury in reaching a unanimous verdict based upon the law and evidence; and e) sign the appropriate forms of verdict based on the unanimous decision of the jury.

The foreperson should ensure that every juror has an opportunity to speak on every question. Finally, the foreperson presides over the balloting.

Every juror should listen carefully to the views of the other members of the jury and consider them with an open mind.

The final vote represents your own opinion. After discussions with your fellow jurors, your opinion may change. Do not hesitate to change your mind if you are convinced it is appropriate to do so.



When differences of opinion arise, voice your opinion and explain it. Do not force another juror to agree with you. Do not refuse to listen to the arguments and opinions of others. You must never permit a decision to be reached by chance or toss of a coin.

If there is disagreement or confusion about the judge's instructions or their meaning, ask the judge for further instructions or assistance.

8. The verdict.

After the verdict is reached the jurors will be escorted back into the courtroom by the bailiff. The judge will ask the foreperson for the verdict slips. The verdict will be read aloud. In some cases each juror will be asked if he/she agrees with the verdict. This is called "polling the jury".



Jury Exit Questionnaire

After the trial is completed and you have reached a verdict, you will be asked to complete a questionnaire. Please give this your full attention. All answers are tallied and evaluated in order to improve our jury management.



Waiting Serves a Purpose

There will be occasions when you are required to wait.

Sometimes the parties are still negotiating and may settle the matter before or even after a jury panel has been assembled. The judge may be hearing arguments on last minute points of law. The Court uses this time to discuss and simplify issues.

The attorneys may talk with the judge out of the jury's hearing. The judge may excuse the jury from the courtroom so that a point of law or an objection may be argued.



Definition of Words and Phrases

The following definitions of words and phrases commonly used in trials may be helpful:

Deposition: The testimony of a party to a suit or a witness, given before trial, under oath, and typed in question and answer form, just as if it was given in court.

Exhibit: A document or material produced and identified in court for the purpose of introducing it as evidence.

Motion: An application made to the judge by the attorney for one of the parties (or by an unrepresented defendant). The motions may be oral or written, and are made to obtain an order in favor of the applicant.

Rest: In legal terms, this means that the attorney has concluded the evidence he wants to introduce at that stage of the trial.

Stipulation: An agreement by the attorneys to certain undisputed facts or issues which need not be proven during the course of the trial.

Subpoena: An official order to attend court at a stated time. The most common use of the subpoena is to bring witnesses to court to testify.

Voir Dire: French for “to speak the truth”. The examination of the prospective juror for selection of the jury to try the case through use of challenges for cause and/or peremptory challenges.



The Courtroom and Functions of the Personnel

Most courtrooms are physically arranged as follows:



The following are key participants in a courtroom proceeding:

1. **The Judge:** The judge has many duties in connection with a trial. The Judge must see that the trial is conducted in an orderly manner according to prescribed rules and laws covering: selection of the jury; the presentation of evidence; the arguments of the attorneys; the instructions to the jury; and the rendering of the verdict.

The Judge must decide if questions asked of prospective jurors about their qualifications are proper. The Judge also decides on requests to excuse jurors and rules on objections made during the trial.

The Judge must inform jurors as to the issues of fact they must decide, the laws which apply to the case, and their responsibilities as jurors.

2. **The Witness:** A person who gives testimony concerning the issue being tried.

3. The Bailiff: The Bailiff is in charge of the jury during the trial and deliberations. The Bailiff also keeps order in the courtroom, operates a court recorder, opens and closes the courtroom each day, and assists the Judge.
4. The Defendant: In a criminal case, the defendant is the person charged with an offense.
5. The Defense Attorney: The legal representative of the Defendant.
6. Prosecuting Attorney: The legal representative of the State in criminal cases.





City of Phoenix

Note: This publication is available in alternate formats (such as large print, audio cassette, or computer diskette). Call Phoenix Municipal Court at 602-262-1899 or TDD 602-495-0733, or TDD City Relay 602-534-5500 for more information.